

Appl. No. 10/783,540
Amdt. Dated 8/13/07
Response to Office Action Mailed 3/16/07

RECEIVED
CENTRAL FAX CENTER

Remarks

AUG 13 2007

The Applicant appreciates the Examiner's consideration of the present Application, and also appreciates the Examiner's effort in providing the Applicant with a translation of German patent no. DE4120385 ("Kienle").

In the first Office action, all of pending claims 1-17 were rejected. Claims 1, 2, 3, 5, 8, 14 and 15 in particular were rejected under 35 U.S.C. 102(b) as being anticipated by Kienle. Additionally, the remaining claims 4, 6, 7, 9, 10, 11-13, 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kienle in view of several additional references.

In response to these rejections, the Applicant has amended several of the claims as shown above and as discussed below, and particularly amended each of independent claims 1 and 14. Also, claims 4, 12 and 17 have been cancelled. Given the withdrawal of original claims 18-20 in response to the earlier restriction requirement, as well as the cancellation of original claims 4, 12 and 17, the Applicant has also now added new claims 21-26, including a new (third) independent claim 24.

For at least the reasons set forth below, the Applicant respectfully submits that all of pending claims 1-3, 5-11, 13-16 and 21-26 are now in condition for allowance.

Amendments to the Claims

As shown above, the Applicant has amended independent claim 1 to specify that the pocket has length and width dimensions that are both greater in extent than a depth dimension of the pocket, and further amended that claim to specify that the protrusion extends along at least most of a 90 degree segment around a perimeter that extends around the pocket and substantially encompasses the length dimension and the width dimension. Similar amendments have been made to independent claim 14 and dependent claim 15. Also, new claims 24 and 25 also recite similar features, except insofar as in those claims the length dimension is specified as being greater in extent than the width dimension, and the protrusion is specified to extend at least most of a quarter of the perimeter rather than at least most of a 90 degree segment around the perimeter.

Appl. No. 10/783,540
Amdt. Dated 8/13/07
Response to Office Action Mailed 3/16/07

RECEIVED
CENTRAL FAX CENTER
AUG 13 2007

Additionally, several other amendments have also been made to the claims.

Among these are the cancellation of claims 4, 12 and 17, and the addition of the features of those claims respectively into claims 3, 11 and 16. Also, claim 23 has been added that includes features similar to those of claim 24. Further, claim 21 has been added that recites a quadruple-layer protrusion and claim 22 has been added to recite a feature that was deleted from claim 13. Also, claim 26 has been added that further characterizes an aspect of one embodiment of a protrusion. Still additional minor amendments were made to several others of the claims, in order to conform the language of those claims to the amended claim language of the independent claims, or for other technical reasons.

The Applicant respectfully submits that these amendments to the claims do not add new matter. In particular, it is believed that the amendments to claims 1 and 14, and new claims 23-26, find support in the Specification at, among other places, FIGS. 2(C) and 3(C) and paragraph 0032. Also, it is believed that new claim 21 finds support in paragraph 0033 of the Specification.

Allowability of the Claims

The Applicant respectfully submits that, in view of the amendments to independent claims 1 and 14, those claims are no longer anticipated by Kienle. Likewise, new independent claim 24 is also not anticipated by Kienle. Consequently, the Applicant submits that all of these independent claims, as well as all of claims 2-3, 5-11, 13, 15-16, 21-23 and 25-26 depending from those independent claims, are allowable under 35 U.S.C. 102(b) over Kienle.

As best as the Applicant can determine, Kienle only relates to a specific form of a meat-filled bread roll that is elongated along one dimension. The concept appears to be similar to (albeit apparently intended as an improvement over) a conventional hot dog that is wrapped in breading (see page 2 of the translation of Kienle). Of particular note is that the breading of Kienle's concept is intended to enclose a "sausage-like strand 2" (see page 3 of the translation of Kienle). Consequently, as shown in FIGS. 1 and 2 of Kienle, the overall roll is elongated along the dimension along which the sausage-like strand extends (FIG. 1), but is otherwise narrow in terms of both of its other two dimensions, which appear to be approximately equal in extent (FIG. 2).

Appl. No. 10/783,540
Amdt. Dated 8/13/07
Response to Office Action Mailed 3/16/07

In contrast to Kienle, each of the Applicant's independent claims 1, 14 and 24 now specifies a pocket having two dimensions (e.g., length and width dimension) that are larger in extent than a third dimension. Such pockets, which can include pierogies and raviolis, for example, are different from the type of narrow, elongated pocket shown in Kienle in various manners. In particular, such pockets can be used to enclose a variety of different types of fillings that need not have the elongated structure (or strength) of the sausage-like strand of Kienle. Also, the ratio of the volume of filling to the volume of dough in such pockets appears to the Applicant to be substantially greater than the ratio of filling to dough in the roll of Kienle.

Also, with respect to independent claim 1 in particular (and also dependent claims 15 and 25), it is now specified that the protrusion extends along a substantial proportion (e.g., at least of most of a 90 degree section or quarter of) the overall perimeter of the pocket. An exemplary protrusion of this type is shown in FIG. 2(C) of the present Application. Such a protrusion differs from the tip 3 of the roll shown in FIG. 1 of Kienle. In particular, it is believed by the Applicant that such a protrusion as is now recited in independent claim 1 would provide more support for a pocket having dimensions such as those mentioned in claim 1, than would merely a protruding tip extending outward at one end of the pocket along the longest dimension of the pocket.

For at least these reasons, therefore, the Applicant submits that independent claims 1, 14 and 24 (and dependent claims 15 and 25), as well as all of the claims depending therefrom, are allowable under 35 U.S.C. 102(b) in view of Kienle.

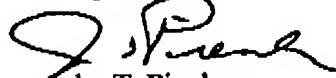
* * *

In view of the above Amendments and Remarks, the Applicant respectfully requests reconsideration and allowance of the present Application. The Applicant is also including herewith fees for a two-month extension of time due in connection with the present Application. Otherwise, the Applicant submits that no additional fees are due in connection with the submission of this Amendment, particularly since the total number of claims and total number of independent claims pending in the Application are 20 and 3, respectively.

Appl. No. 10/783,540
Amtd. Dated 8/13/07
Response to Office Action Mailed 3/16/07

If further discussion with the Examiner would be helpful to further the prosecution of this Application, the Applicant requests that the Examiner contact the Applicant by way of telephone at the number listed below.

Respectfully,



John T. Pienkos
Applicant

Dated: 8/13/07
2512 W. Margareta Ct.
Glendale, WI 53217
(414) 228-6881